PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE der the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/765.430 TRANSMITTAL Filing Date January 26, 2004 FORM · First Named Inventor GUillermo J. Tearney Art Unit **Examiner Name** To be determined (to be used for all correspondence after initial filing) Attorney Docket Number 036140/US - 475387-00020 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form . Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer below): Extension of Time Request Return Receipt Postcard Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name ... Dorsey & Whitney, L.L.P. Signature Printed name Gary Abelev, Esq. Date Reg. No. January 17, 2006 Reg. No. 40,479 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date January 17, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gary Abelev, Esq.

Typed or printed name

036140/US - 475387-00020 PATENT

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## N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. Tearney et al.

Serial No.

10/765,430

Filed

January 26, 2004

Entitled

SYSTEM AND METHOD FOR IDENTIFYING TISSUE USING

LOW-COHERENCE INTERFEROMETRY

Group Art Unit

3737

Examiner

To be assigned

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 I hereby certify that this document is being sent via First Class U. S. mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this day of January 17, 2006.

(Signature)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449, and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application. Copies of the United States Patent references listed on the Form PTO-1449 are not enclosed, but the articles are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under

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United States law, applicants reserve the right to present to the Office the relevant facts and law

regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the

patentability of the disclosed invention over the listed documents, should the documents be

applied against the claims of the present application.

This submission is being filed before any action by the U.S. Patent and

Trademark Office on the merits. Therefore, applicants do not believe that any fee is due in

connection with the submission of this paper. However, if any fee is due, or if any overpayment

has been made, the Commissioner is authorized to charge any such fee or credit any

overpayment, to our Deposit Account No. 50-2054.

Respectfully submitted,

DORSEY & WHITNEY, LLP

Gary Abelev

PTO Reg. No. 40,479

Attorneys for Applicants

(212) 415-9371

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			Page 37 of 41
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